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SENSITIVE

SIPDIS

DEPARTMENT FOR EUR/NB, G/TIP, G (ACBLANK), INL, DRL, PRM, AND
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TAGS: PHUM KCRM KWMN ELAB SMIG KTIP KFRD PREF IC

SUBJECT: NINTH ANNUAL ANTI-TRAFFICKING IN PERSONS (TIP) REPORT FOR
ICELAND (PART 2 OF 2)

REFS: A) STATE 5577
B) 08 STATE 132759

SENSITIVE BUT UNCLASSIFIED -- ENTIRE TEXT

¶11. (SBU) Embassy point of contact on the trafficking in persons (TIP) issue is Political Officer Brad Evans, tel. +354-562-9100x2294, fax +354-562-9139, unclassified e-mail EvansBR@state.gov.

Hours spent on preparation:
- Pol Officer (FS 02) 18 hrs
- Pol Assistant 50 hrs
- DCM 1 hrs
Total: 63 hrs

¶12. (SBU) Part 2 of Embassy's submission follows, keyed to reftel format. Part 1 was transmitted septel.

Begin text of submission:

INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

For questions A-D, posts should highlight in particular whether or not the country has enacted any new legislation since the last TIP report.

-- A. Existing Laws against TIP:

Passed into law March 10, 2003, Article 227a of Iceland's General Penal Code outlaws trafficking in persons. The law states: Anyone becoming guilty of the following acts for the purpose of sexually using a person or for forced labor or to remove his/her organs shall be punished for slavery with up to 8 years imprisonment:

¶11. Procuring, removing, housing or accepting someone who has been subjected to unlawful force under Art. 225 or deprived of freedom as per Art. 226 or threat as per Art. 233 or unlawful deception by awakening, strengthening or utilizing his/her lack of understanding of the person concerned about circumstances or other inappropriate method.

¶12. Procuring, removing, housing or accepting an individual younger than 18 years of age or rendering payment or other gain in order to acquire the approval of those having the care of a child. The same penalty shall be applied to a person accepting payment or other gain according to clause 2, para. 1.

The government has not yet brought any prosecutions under Article

227a, choosing instead to use General Penal Code Articles 57 and 155, which outlaw alien smuggling and document forgery, respectively.

-- B. Punishment of Sex Trafficking Offenses: What are the prescribed and imposed penalties for trafficking people for sexual exploitation?

Trafficking of persons for sexual exploitation is punishable by up to eight years in prison.

-- C. Punishment of Labor Trafficking Offenses:

Trafficking of persons for forced labor is punishable by up to eight years in prison. The laws provide for criminal punishment for anyone who procures, removes, houses or accepts someone who has been subjected to unlawful restraint, deprived of freedom, threat, or unlawful deception by awakening, strengthening or utilizing his/her lack of understanding of the person concerned about circumstances or other inappropriate method. The same penalty shall be applied to a person accepting payment or other gain.

-- D. What are the prescribed penalties for rape or forcible sexual assault?

Rape is punishable by up to 16 years in prison, but even especially brutal rapes rarely draw sentences of more than six years, with one or two years' imprisonment more common. As there have been no prosecutions for sex trafficking in Iceland it is impossible to compare actual penalties.

-- E. Law Enforcement Statistics:

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The government did not prosecute any TIP cases during the reporting period and has in fact never done so. The one trafficker currently under investigation (see Overview, K) at the end of the reporting period had been arrested on sexual violence and narcotics charges, but not on trafficking charges. Other investigations -- including in previous years -- utilized laws on labor standards and immigration violations.

-- F. Does the government provide any specialized training for government officials?

Students from the Icelandic National Police College annually participate in classes held by the Sudurnes Commissioner of Police and Customs that include instruction on recognizing and investigating human trafficking issues. Additionally, senior Keflavik International Airport officials and border police have been funded by the government to attend trafficking courses abroad, e.g. at the European Police Academy.

Norwegian law enforcement specialists shared their experiences on TIP investigations, policy formulation, and law enforcement operations with their Icelandic colleagues and members of the TIP action plan working group at a conference hosted by the National Police Commissioner in Reykjavik in June 2008.

-- G. Does the government cooperate with other governments in the investigation and prosecution of trafficking cases?

Icelandic police cooperation with other governments on narcotics-related investigations is excellent, and this cooperation has at times extended into cooperative work on TIP-related investigations such as that currently underway at the close of the reporting period (see Overview, K). In that case, the suspect's arrest stemmed from information sharing between Icelandic and foreign police, although the focus was on narcotics trafficking rather than TIP. Police also cooperated in the sharing of background information and analysis on international narcotics and organized crime organizations which Icelandic police are also involved in TIP in Iceland.

-- H. Does the government extradite persons who are charged with

trafficking in other countries?

Iceland has not been asked to extradite a trafficking suspect to another country. Icelandic law does not permit extradition of Icelandic nationals, and no changes to the law are currently planned.

-- I. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level?

No; not applicable.

-- J. If government officials are involved in trafficking, what steps has the government taken to end such participation?

There is no evidence of government officials being involved in trafficking, and no government officials have ever been prosecuted or convicted for such activity.

-- K. Is prostitution legalized or decriminalized?

Prostitution is legal; that is, the activities of the prostitute are not criminalized if the prostitute is at least 18 years of age. It is illegal to advertise the services of a prostitute. It is also illegal for a third party, or pimp, to profit from prostitution or procurement of sex, as well as the renting of facilities for prostitution.

The law does not appear to be effectively enforced as organized prostitution seems to have taken a foothold in Iceland. Specifically, a number of foreign women allegedly came to Iceland during the reporting period to work as prostitutes, often in hotel rooms, according to NGO representatives and police. In some cases, these women's services were advertised and reserved before their arrival via the internet. These prostitutes are said to be working through European-based, but there seems to be a direct Iceland-connection as well, since Icelandic individuals have picked them up on arrival to Iceland. In addition, police say that Icelandic businessmen have brought Bulgarian prostitutes to Iceland, but it is not known if this is connected to organized prostitution as well.

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The government does not regulate the activities of prostitutes through licensing, health certificates, or other means.

The activities of clients are not criminalized.

-- L. For countries that contribute troops to international peacekeeping efforts, please indicate whether the government vigorously investigated, prosecuted, convicted and sentenced nationals of the country deployed abroad as part of a peacekeeping or other similar mission who engaged in or facilitated severe forms of trafficking or who exploited victims of such trafficking.

Iceland does not have a military. However, it has deployed civilian personnel to UN and NATO operations as peacekeepers under the auspices of the Icelandic Crisis Response Unit (ICRU), a division of the Ministry for Foreign Affairs. During the reporting period the Ministry imposed a code of conduct for ICRU personnel specifically banning involvement in TIP or the purchase of sexual services while abroad. There were no allegations of any such behavior by ICRU personnel.

-- M. If the country has an identified problem of child sex tourists coming to the country, what are the countries of origin for sex tourists?

There is no identified problem of child sex tourism in Iceland nor reports of Icelanders as perpetrators of same.

PROTECTION AND ASSISTANCE TO VICTIMS:

-- A. What kind of protection is the government able under existing law to provide for victims and witnesses? Does it provide these

protections in practice?

There is no de jure provision for government assistance to TIP victims and witnesses. In theory, municipal social services and medical care are available to victims as to other citizens and, thanks to reimbursements to municipalities from the Ministry of Social Affairs, foreigners. In cases involving unaccompanied children, municipal and state child protection services are responsible for assistance. The national and local governments may also refer to NGOs that provide food, shelter, legal advice, and health care. While there is also no de jure provision for grants of residence to TIP victims, in practice the Immigration Directorate has used its discretion to offer permits to foreign women escaping abusive, exploitative marriages that at times involved forced prostitution. There were no cases during the reporting period in which the Immigration Directorate was requested to issue such permits.

NGO sources identified less than 10 alleged TIP victims assisted during the reporting period.

-- B. Does the country have victim care facilities (shelters or drop-in centers) which are accessible to trafficking victims?

There are no government-run victim care facilities, but purported TIP victims have been received by the Women's Shelter in Reykjavik, and the Icelandic Counseling and Information Center for Survivors of Sexual Violence (Stigamot). Foreign victims have the same access to care as domestic TIP victims. In cases involving unaccompanied children, municipal and state child protection services are responsible for assistance. The national and local governments may also refer to NGOs that provide food, shelter, legal advice, and health care.

Members of the working group charged with drafting the first Icelandic national action plan against trafficking in persons (PREVENTION D) said one of the focal points of the action plan will be to call for witness and victim protection for trafficking victims, possibly including special procedures on granting residence permits to trafficking victims.

In practice, in the one trafficking case currently under investigation at the close of the reporting period, Post contacts report that four Equatorial Guinean women who claimed to be victims of TIP sought safe haven at the Women's Shelter in Reykjavik. They were accepted at the shelter, but reportedly did not get along with the native Icelandic women who were staying there at the same time and shortened their stay. This incident may highlight the need for a TIP victim-specific shelter.

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-- C. Does the government provide trafficking victims with access to legal, medical and psychological services?

See PROTECTION A. above for discussion on access to legal, medical and psychological services.

The primary NGOs that provide services to victims of what may be trafficking receive considerable financial assistance from the national government. The 2009 state budget allocates IKR 43.1 million (\$381,400) to the Women's Shelter and IKR 35.7 million (\$315,900) to the Icelandic Counseling and Information Center for Survivors of Sexual Violence (Stigamot). Other NGOs have varying allocations from the state budget. These funds are not specially earmarked for services to TIP victims. The government does not provide funding to foreign NGOs for services to victims.

-- D. Does the government assist foreign trafficking victims?

See PROTECTION A. above.

Members of the working group charged with drafting the first Icelandic national action plan against trafficking in persons (see PREVENTION D) said one of the focal points of the action plan will

be to call for witness and victim protection for trafficking victims, possibly including special procedures on granting residence permits to trafficking victims.

-- E. Does the government provide longer-term shelter or housing benefits to victims or other resources to aid the victims in rebuilding their lives?

See PROTECTION A. above.

-- F. Does the government have a referral process to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to institutions that provide short- or long-term care (either government or NGO-run)?

The Icelandic Red Cross has in the past assisted persons alleged to have been smuggled. Such individuals have been housed in hostels and guesthouses in advance of their deportation. The government-sponsored TIP working group that includes government and NGO representatives has helped to further open lines of communication between these groups. NGOs that provide services that might be of use to TIP victims (e.g., the sexual abuse crisis center, the women's shelter) report that referrals and communication by police in possible cases of interest is generally improving.

-- G. What is the total number of trafficking victims identified during the reporting period?

There were no officially identified trafficking victims -- that is, victims in cases where police sought prosecution on TIP charges. Nonetheless, police estimate at least 5-10 victims in cases where they had a suspicion of TIP but charges were not filed. NGO representatives identified less than 10 victims, but based on anecdotal indications believe that 10-20 victims sought services from NGOs or from local governments. Statistics were not available for referrals by law enforcement authorities. Less than 10 victims received assistance from government-funded programs. Post is not aware of TIP victims provided assistance through programs not funded by the government.

-- H. Do the government's law enforcement, immigration, and social services personnel have a formal system of proactively identifying victims of trafficking?

The government does not currently have a formal system to proactively identify victims of trafficking; identifications currently depend on the initiative of individual law enforcement and immigration officers and social service personnel. NGO and police contacts have noted this as a shortcoming and it is expected that this will be addressed in the Ministry of Social Affairs action plan due to be released in April/May 2009. The government does not regulate or license prostitution and as such does not possess any mechanism for screening for trafficking victims among prostitutes.

-- I. Are the rights of victims respected? Are trafficking victims detained or jailed?

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While there were no officially identified trafficking victims in the reporting period, in previous years possible trafficking victims have been prosecuted under laws governing immigration. Typically they were detained and jailed for from 30 to 45 days in advance of deportation. None were held in Iceland beyond 45 days. Some of them were offered residence permits on humanitarian grounds, but they always turned down the offer, according to police. Keflavik Airport border police note that provisions for free labor movement within the European Economic Area and Schengen zone limit their ability to reach what they believe to be possible TIP victims upon arrival. Instead, police are forced to rely on customs provisions allowing them to question travelers fitting the profile of narcotics traffickers.

The Sudurnes Police Commissioner (covering Keflavik International Airport) reported that police stopped fewer women for questioning on

arrival at Keflavik International Airport during the reporting period, compared to 2007 when two to four women were stopped per month. Often, the purpose of their traveling to Iceland was to work in the strip club industry, and a number of them were suspected to have been sent to Iceland by a third party. In the absence of evidence of other crimes, police released the women but advised potential trafficking victims to seek assistance and information at the Information Center for Survivors of Sexual Violence in Reykjavik (Stigamot).

-- J. Does the government encourage victims to assist in the investigation and prosecution of trafficking?

The government encourages victims to assist in the investigation and prosecution of trafficking. Victims may file civil suits or seek legal action against the traffickers. No one impedes victims' access to such legal redress. There is no specific provision in the law to permit a material witness in a court case against a former employer to obtain other employment or leave the country; however, the government has adequate discretion to make such accommodations. There is no specific restitution program for victims for trafficking in persons, but there is one for victims of violence.

-- K. Does the government provide any specialized training for government officials in identifying trafficking victims and in the provision of assistance to trafficked victims, including the special needs of trafficked children?

Beyond training provided to law enforcement officials, (see INVESTIGATION AND PROSECUTION OF TRAFFICKERS F), there is no TIP-specific training provided to government officials. As Iceland is not a source country for TIP victims, there have been no victims assisted by Icelandic diplomatic and consular personnel abroad during the reporting period.

-- L. Does the government provide assistance, such as medical aid, shelter, or financial help, to its nationals who are repatriated as victims of trafficking?

There have been no such cases identified in the reporting period. While repatriated nationals would benefit from the same social safety net as any other Icelander, there are no programs specifically for victims of trafficking.

-- M. Which international organizations or NGOs, if any, work with trafficking victims?

No international organizations or NGOs worked with trafficking victims during the reporting period.

PREVENTION:

-- A. Did the government conduct anti-trafficking information or education campaigns during the reporting period?

There has been no Icelandic government public outreach or information campaign on TIP in the reporting period.

-- B. Does the government monitor immigration and emigration patterns for evidence of trafficking?

The government monitors immigration and emigration patterns for evidence of trafficking and screens for potential trafficking victims at Keflavik International Airport, the country's sole international airport. The country has no land borders.

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Schengen rules limit the government's monitoring of immigration and emigration from other Schengen countries. As a backup measure, suspected TIP victims have been stopped by customs, where they are screened for narcotics, often a concomitant of human trafficking, according to police.

-- C. Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral

on trafficking-related matters, such as a multi-agency working group or a task force?

The National Police Commissioner, the Metropolitan Police, the Sudurnes Police Commissioner (covering Keflavik International Airport), and the Directorate of Immigration established a coordination group in 2007 on foreigner issues, including possible cases of human trafficking. Additionally, since 2007 a working group under the auspices of the Nordic Baltic Network/European Women's Lobby has met to coordinate activities and policy on anti-TIP efforts. The working group includes representatives of the national, Reykjavik Metropolitan, and Sudurnes (Keflavik Airport) Police, the Immigration Directorate, the Ministry of Social Affairs, and the NGO community.

-- D. Does the government have a national plan of action to address trafficking in persons?

The Government of Iceland, more specifically the Ministry of Social Affairs, is currently drafting a national plan of action to address TIP. The action plan was expected to be completed in 2008, but is now expected to be ready by April or May 2009. The working group consists of representatives from the government and the NGOs.

Members of the working group expect to model the action plan to some extent upon TIP action plans developed in Norway and Denmark.

Members of the working group expect the final plan to focus on:

--Codifying a working definition of trafficking in persons in order to be able to devise a strategy to identify TIP victims;
--Establishing a TIP supervisory team that can identify possible TIP victims according to recognized checklists, register cases and organize education campaigns.

--Calling for victim and witness protection programs specifically for TIP victims, e.g., assistance, safe shelter, rehabilitation and repatriation support as needed if it is deemed safe.

--Implementing methods to bolster police with the aim to apprehend more perpetrators. This includes monitoring and investigating violations of the provision on prostitution in the General Penal Code.

--Reaching out to the Icelandic population with a public awareness campaign, and educating the professions that come into contact with possible trafficking victims - such as public officials, the police, and health workers - about the characteristics of TIP so that they can better identify victims and inform them of what options they have, such as protection programs. The outreach should also target young males to discourage them from buying sexual services; and
--Ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime and the Council of Europe Convention on Action against Trafficking in Human Beings. (NOTE: Iceland's parliament approved ratification of the Palermo Convention Against Transnational Organized Crime in May 2008 but not the two protocols on TIP and migrant smuggling. Iceland is a signatory to both protocols.)

According to government officials and NGO representatives, the action plan is expected to target women in dire conditions such as those who work in the sex industry, as well as domestic labor, and other workers in the construction and restaurant industries, for example. The duration of the action plan has not been determined.

-- E: What measures has the government taken during the reporting period to reduce the demand for commercial sex acts?

Legal measures to reduce the number and operations of strip clubs in the Reykjavik Metropolitan Area -- the predominant loci of prostitution and TIP cases, according to post sources -- have been somewhat successful. Beginning in 2007, police and municipal governments strengthened the licensing requirements for such establishments, leading many to go out of business. At the end of the reporting period only three strip clubs remained in operation in the whole country, all in the Reykjavik Metropolitan Area. However, the owners were apparently able to exploit loopholes in the law on

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the operations of entertainment establishments to remain in

operation, although this legislation had in effect outlawed strip shows as well as lap dances in 2007. NGO representatives and police say that rumors continue to circulate regarding prostitution and illegal nude shows and lap dances in the handful of the remaining establishments.

-- F. Required of all Posts: What measures has the government taken during the reporting period to reduce the participation in international child sex tourism by nationals of the country?

There have been no government actions taken to reduce the participation of Icelandic nationals in international child sex tourism. There were no cases during the reporting period in which Icelandic nationals were alleged to have participated in child sex tourism.

-- G. Required of posts in countries that have contributed over 100 troops to international peacekeeping efforts:

Not applicable.

End text of submission Part 2 of 2.

VAN VOORST

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